

Montana Department of Natural Resources and Conservation
Water Resources Division
Water Rights Bureau

ENVIRONMENTAL ASSESSMENT
For Routine Actions with Limited Environmental Impact

Part I. Proposed Action Description

1. *Applicant/Contact name and address:* Elmer Brenneman, 9300 US Hwy 93 S, Eureka MT 59917
2. *Type of action:* Application For A Beneficial Water Use Permit 30025754-76D
3. *Water source name:* Fortine Creek, tributary to the Tobacco River
4. *Location affected by action:* SW of section 23, T 35N, R 26W, Lincoln County.
5. *Narrative summary of the proposed project, purpose, action to be taken, and benefits:*
The DNRC shall issue a water use permit if an applicant proves the criteria in 85-2-311, MCA are met. This application is to obtain a water use permit for 15 gpm, up to 24.2 acre-feet to provide water to a fish & wildlife pond. Once the pond is full, water will flow through with the only water being lost is that consumed by evaporation.
6. *Agencies consulted during preparation of the Environmental Assessment:*
(include agencies with overlapping jurisdiction) MT DEQ,, MT DNRC Water Operations, MT Natural Heritage Program, MT Historical Society and the MT FWP webpage.

Part II. Environmental Review

1. Environmental Impact Checklist:

PHYSICAL ENVIRONMENT

WATER QUANTITY, QUALITY AND DISTRIBUTION

Water quantity - Assess whether the source of supply is identified as a chronically or periodically dewatered stream by DFWP. Assess whether the proposed use will worsen the already dewatered condition.

Determination: The source is listed as periodically dewatered. This action could have a slight worsening impact.

Water quality - Assess whether the stream is listed as water quality impaired or threatened by DEQ, and whether the proposed project will affect water quality.

Determination: This source is not listed.

Groundwater - *Assess if the proposed project impacts ground water quality or supply. If this is a groundwater appropriation, assess if it could impact adjacent surface water flows.*

Determination: N.A.

DIVERSION WORKS - *Assess whether the means of diversion, construction and operation of the appropriation works of the proposed project will impact any of the following: channel impacts, flow modifications, barriers, riparian areas, dams, well construction.*

Determination: Some impacts will be seen. The applicant will have to obtain a 310 permit from the local CD office before construction begins.

UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES

Endangered and threatened species - *Assess whether the proposed project will impact any threatened or endangered fish, wildlife, plants or aquatic species or any "species of special concern," or create a barrier to the migration or movement of fish or wildlife. For groundwater, assess whether the proposed project, including impacts on adjacent surface flows, would impact any threatened or endangered species or "species of special concern."*

Determination: This source is home for Westslope Cutthroat Trout. This action will not create a barrier, however, at periods of low stream flow, running water through the project may increase the water temperature.

Wetlands - *Consult and assess whether the apparent wetland is a functional wetland (according to COE definitions), and whether the wetland resource would be impacted.*

Determination: N.A.

Ponds - *For ponds, consult and assess whether existing wildlife, waterfowl, or fisheries resources would be impacted.*

Determination: This pond will increase wildlife and waterfowl habitat.

GEOLOGY/SOIL QUALITY, STABILITY AND MOISTURE - *Assess whether there will be degradation of soil quality, alteration of soil stability, or moisture content. Assess whether the soils are heavy in salts that could cause saline seep.*

Determination: N.A.

VEGETATION COVER, QUANTITY AND QUALITY/NOXIOUS WEEDS - *Assess impacts to existing vegetative cover. Assess whether the proposed project would result in the establishment or spread of noxious weeds.*

Determination: The applicant is responsible for all weed control on his property.

AIR QUALITY - Assess whether there will be a deterioration of air quality or adverse effects on vegetation due to increased air pollutants.

Determination: None

HISTORICAL AND ARCHEOLOGICAL SITES - Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project.

Determination: No existing historic sites were identified on the site.

DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY - Assess any other impacts on environmental resources of land, water, and energy not already addressed.

Determination: None identified as a result of this action.

HUMAN ENVIRONMENT

LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS - Assess whether the proposed project is inconsistent with any locally adopted environmental plans and goals.

Determination: This project is consistent with other like actions in the area.

ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES - Assess whether the proposed project will impact access to or the quality of recreational and wilderness activities.

Determination: None

HUMAN HEALTH - Assess whether the proposed project impacts on human health.

Determination: None

PRIVATE PROPERTY - Assess whether there are any government regulatory impacts on private property rights.

Yes___ No_X_. If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights.

Determination:

OTHER HUMAN ENVIRONMENTAL ISSUES - For routine actions of limited environmental impact, the following may be addressed in a checklist fashion.

Impacts on:

(a) Cultural uniqueness and diversity? None

(b) Local and state tax base and tax revenues? Possible slight positive impacts.

- (c) Existing land uses? None, the pond is already built.
- (d) Quantity and distribution of employment? None
- (e) Distribution and density of population and housing? None
- (f) Demands for government services? Slight
- (g) Industrial and commercial activity? None
- (h) Utilities? None
- (i) Transportation? None
- (j) Safety? Some attractive hazard issues since the pond was built.
- (k) Other appropriate social and economic circumstances? None identified.

2. ***Secondary and cumulative impacts on the physical environment and human population:*** No secondary or cumulative impacts were identified as a direct result of this action. However, at some point of time in the future, these impacts may appear as a result of similar actions.
3. ***Describe any mitigation/stipulation measures:*** None were justified before this application goes to public notice.
4. ***Description and analysis of reasonable alternatives to the proposed action, including the no action alternative, if an alternative is reasonably available and prudent to consider:*** The no action alternative would ban the applicant from taking water from this source to fill his pond and keep it fresh. He could drill a well to supply the pond, but this would be more expensive and have other environmental impacts.

PART III. Conclusion

Based on the significance criteria evaluated in this EA, is an EIS required? No

If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action: Because no secondary or cumulative impacts were identified in this EA which could be directly related to this action, the EA is the appropriate level of analysis for the action.

Name of person responsible for preparation of EA:

Name: Wes McAlpin

Title: Water Resources Specialist

Date: August 16, 2007